

Appl. No. 10/667,405

Amdt. Dated 09 07, 2004

Reply to Office Action of 08 06, 2004

Amendments to the Specification

Please replace paragraph [0009] with the following amended paragraph:

[0009] In a first aspect, ~~the present invention provides an apparatus for growing at least one plant variety, and making the at least one plant variety accessible to animals for grazing, comprising: a container having suitable means for growing the at least one plant variety; and a cover for enclosing the container, the cover having a plurality of openings dimensioned for passage of the at least one plant variety through the plurality of openings while preventing limbs from the animals from passing through the plurality of openings.~~ the present invention provides a cover for use with a container having suitable means for growing the at least one plant variety accessible to animals for grazing, the cover constructed and arranged to enclose the container and to prevent animals from displacing the cover relative to the container when enclosed the cover dimensioned for suitable use with the container, the cover having a plurality of openings being dimensioned to form a passageway for the at least plant variety growing through the plurality of openings while the cover preventing a limb from an animal from entering through any one of the plurality of openings.

Please delete paragraph [0010].

Please delete paragraph [0011].

Please replace paragraph [0013.1] with the following amended paragraph:

[0013.1] **FIGURE 1** is a perspective view of a cover for use with a grazing container according to a first ~~embodiment aspect of the present invention;~~

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Please replace paragraph [0013.2] with the following amended paragraph:

[0013.2] **FIGURE 2** is a perspective view of a cover for use with a grazing container according to a second ~~embodiment~~—aspect of the present invention;

Please replace paragraph [0014] with the following amended paragraph:

[0014] **FIGURE 3** is an exploded perspective view of the cover of **FIGURE 2** and a grazing container of **FIGURE 2** suitable for use with the cover in accordance with ~~another embodiment~~ the second aspect of the present invention;

Please replace paragraph [0015] with the following amended paragraph:

[0015] **FIGURE 4** is an exploded perspective view of the cover of **FIGURE 2** and a grazing container ~~with a removable growing tray~~ modified to include a conventional removable tray in the container in accordance with ~~another embodiment~~ the second aspect of the present invention;

Please replace paragraph [0016] with the following amended paragraph:

[0016] **FIGURE 5** is a perspective view of a cover according to the present invention where the cover is attached to the container through use of a hinge and locking mechanism in accordance with a third ~~embodiment~~ aspect of the present invention; and

Please replace paragraph [0017] with the following amended paragraph:

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[0017] **FIGURE 6** is a perspective view of an ~~embodiment of a cover as shown in~~
FIGURE 1 of the present invention placed over a grazing container where grass
is growing therethrough in accordance with a first aspect of the present invention.

Please replace paragraph [0021] with the following amended paragraph:

[0021] Referring to **FIGURES 1-46**, a cover 5 of the present invention for use with a container 10 is shown. The container 10 has a base end 15 and four side walls 20a, 20b, 20c, 20d, for growing therein a plant variety, such as grass. In its simplest embodiment, **Figure 1** illustrates ~~Tthe cover 5 has having~~ a frame 25 and a grid surface 30. The frame 25 supports the grid surface 30. It should be noted that in an ~~embodiment each of the three aspects of the present invention, the cover 5 is constructed and arranged to enclose the container 10 and to prevent a small animal from displacing the cover 5 relative to the container 10 when the cover encloses the container, as shown in **FIGURES 1** through 6.~~ Thus, the cover 5 may not ~~require include~~ a frame 25, as shown in **FIGURE 1**. As shown in **FIGURE 6**, the cover is constructed such that the weight of the grid surface 30 is sufficient to prevent the small animal from displacing the cover 5 relative to the container 10. The grid surface 30 is also important in that there is a plurality of openings 35 dimensioned for the purposes of the present invention. The grid surface 30 is made of suitable material, such as a metal, to withstand the weight of a small animal on the cover 5.

Please replace paragraph [0022] with the following amended paragraph:

[0022] In **FIGURE 3**, the cover 5 is shown with a frame 25 having side walls which are dimensioned to mate with the corresponding four side walls 20a, 20b, 20c, 20d of the container 10. The side walls of the frame 25 are important in that they mate with the corresponding side walls to prevent the small animal from displacing the

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cover relative to the container. While there is no locking device shown in this particular aspect, the present invention may further include an attachment means, such as hinges, or a locking mechanism, well known in the art, to permanently attach the cover 5 to the container 10. The locking mechanism would be useful in preventing a small animal from removing the cover 5 after it has been placed over the container 10. The openings 35 in the grid surface 30 are dimensioned to enable grass such as oats, rye, or some other member of the grass family, to grow through the openings 35. The cover 5 also has a large opening 40 dimensioned to allow a person to extend his or her finger through the large opening 40 to feel the growing medium for moisture content. Yet, the large opening 40 must be dimensioned small enough to prevent limbs, such as a paw, from extending through the large opening 40 to pull on the grass.

Please replace paragraph [0025] with the following amended paragraph:

[0025] In a further embodiment, **FIGURE 4** illustrates a conventional removable growing tray 42 placed within the container 10 well known in the prior art teachings. The growing medium and grass seeds could be placed in the removable growing tray 42 rather than directly within the container 10. If the container 10 were made of materials such as wood, the removal of soil would be difficult. The use of a removable growing tray 42 is advantageous in that it facilitates the cleaning of the container 10.

Please replace paragraph [0026] with the following amended paragraph:

[0026] In ~~an alternative embodiment~~ a third aspect, the cover 5 may be a grid that extends over, or along, the side walls of the container 10. **FIGURE 5** shows a modified cover 5a having a modified grid surface 30a which extends beyond the side walls of the container 10. The grid surface 30a does not have a frame 25, as in

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FIGURE 1. The cover 5a is attached to the container 10 through use of two hinges 45a, 45b, thus preventing the small animal from displacing the cover 5a relative to the container 10. While hinges 45a, 45b are shown in **FIGURE 5**, screws, latches, or the like, may be utilized by the present invention. There is also shown a locking mechanism 50 for locking the cover 5a to the container 10, thus further securing the cover to the container and preventing a small animal from displacing, i.e., lifting, the cover 5a relative to the container 10. ~~The locking mechanism 50 is useful in preventing small animals from removing or lifting the cover 5a.~~

Please replace paragraph [0028] with the following amended paragraph:

[0028] **FIGURE 6** illustrates a cover 5 of the present invention placed over ~~a~~ the four side walls of the grazing container (not clearly shown) to enclose the container where grass 60 is growing through the plurality of openings 35 in the grid surface 30. **FIGURE 6** illustrates the first aspect of the present invention whereby a small animal is prevented from displacing the cover 5 relative to the container 10 due to the weight of the cover 5, i.e., the weight of the grid.